

REMARKS/ARGUMENTS

Claims 1-2, 4-14, 17, 18, and 21-22 are in this case.

Claim 14 is amended to include reaction (B) based on the finality of the Restriction Requirement imposed by the Office.

Claims 3, 5, 16, 19 and 20 have been cancelled.

Claims 17 and 18 have been amended to provide an adjuvant with the compound of Claim 1, support for which is found on pages 31-32 of the application.

Therefore, the rejections under 35 USC 112, second paragraph and 35 USC 101 (page 8-9 of the Action) are no longer applicable.

Support for the modification to Claim 21 and new Claim 22 is found on pages 28-30 of the application. Therefore, the rejection of Claim 21 under 35 USC 112, second paragraph is no longer applicable.

Claims 1, 2, 7 and 14 have been amended to remove the optional substitution for the phenoxy carbonyl. Therefore the rejection under 35 USC 112, first paragraph is no longer applicable.

No new matter is believed to have been added.

To the rejection of Claims 1-13 and 15-21 as allegedly being obvious in view of two patent publications by Lahm and Berger in view of US 7,247,647 to Hughes.

It should be apparent that the two Lahm publications correspond to patent documents 2 and 3 described in the specification (see page 1 of the specification) and the Berger patent corresponds to patent document 1 described in the specification (see page 1 of the specification). As stated in the specification at page 1, second paragraph and by the Office in the rejection at page 3 of the Action, neither the Lahm patents nor Berger describes a compound of Formula I including an alkyl substituted by a C₃₋₄ cycloalkyl as a substituent. It is for this the Examiner cites to the Hughes patent to allege that "Hughes, et al teach that the

alkyl may be substituted by cycloalkyl in the same position on analogous compounds. Note the definition of R⁴ therein."

Applicants respectfully disagree.

Applicants have presented comparative data in the specification at pages 59-60 where compounds of Formula I as defined in the claims are compared to the cited Lahm and Berger references. The compounds of Formula I have significantly better "knock-down" rate of alkyl substituted by cycloalkyl versus those of Lahm 1, Lahm 2 and Berger.

Specifically, as described in Test Example 11 of the present specification, the compound of the present invention shows fast- acting knockdown activities against *Haemaphysalis longicornis*. Its fast-acting activities can be observed even at the concentration of 1 µg/ml and 0.1 µg/ml as indicated in Table 1. Having compared the compound of the present invention and the compound of the cited references, the activity of the compound of the present invention at the concentration of 0.1 µg/ml is superior to those of the compounds of the cited references at 10 µg/ml. Namely, the compound of the present invention shows excellent activities against ticks at the level of over 100 times as compared with the compounds of the cited references.

The additional tests on controlling effects were carried out under conditions in which the concentration of the compound was changed to 1/10 and 1/100 (1 µ/ml and 0.1 µg/ml).(see Table attached to Rule 132 Declaration)

These data and a discussion of these data are presented in the attached Rule 132 Declaration.

Such activities of the compound of the present invention against ticks are neither disclosed nor suggested in the cited references, and Applicants believe that this effect is unexpected from the cited references.

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Reply to Official Action of October 10, 2008

Reconsideration and withdrawal of the rejection applied under 35 USC 103(a) is requested. In a similar manner, reconsideration and withdrawal of the separate rejection of Claim 14 under 35 USC 103(a) is requested (see *In re Ochiai*, 71 F.3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995)).

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A Notice of Allowance is requested. .

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